UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

United States Courts
Southern District of Texas
FILED

SEP 09 2016

David J. Bradley, Clerk of Court

In re)	Chapter 7
)	
Jeniece R. Goudeau)	Bankruptcy Case No. 16-33942
Debtor.)	
)	Adversary Proceeding No:_____
)	
Jeniece R. Goudeau)	
)	**COMPLAINT TO DETERMINE**
Plaintiff,)	**DISCHARGEABILITY OF STUDENT**
)	**LOANS.**
v.)	
)	
University of Houston and U.S. Department of)	
Education)	
)	
Defendant(s).)	
)	

This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within 21 days of the date this was served on you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the court may consider evidence at the hearing and may decide the motion at the hearing.

Represented parties should act through their attorney.

Section I: Jurisdiction

1. On August 5, 2016, the Debtor filed voluntary petition in this Court for relief under Chapter 7 of Title 11 in the United States Bankruptcy Court for the Southern District of Texas.

2. The Court has jurisdiction over this adversary proceedings pursuant to 28 U.S.C. §§ 1334 and 1571 and Bank Local Rule 1002-1(b).

3. This is core proceedings pursuant to 28 U.S.C. § 157 (b)(2).

4. Venue is proper in this jurisdiction pursuant to 28 U.S.C. § 1409 (a).

Section II: Factual Allegations

5. Jeniece R. Goudeau ("plaintiff") is 33 years old and single. She has one dependent and minor child.

6. The Plaintiff is the holder of student loans totaling $136,309 (principal $124,620; interest $6,689).

7. The Plaintiff secured student loans to pay for college. She graduated with a bachelor of science in psychology from the University of Houston in December 2009. She also graduated with a masters in social work from the University of Houston in May 2013. In addition, she took 2 college credit courses towards an accounting degree at the University of Houston-Victoria in the fall of 2015.

8. The Plaintiff has paid a total of $892.88 towards her student loan debt. Her student loans were placed in deferment in 2014, 2015, and 2016 due to financial hardship.

9. Jeniece R. Goudeau ("plaintiff") lived on Section 8 housing assistance and food stamps while in college and for 7 months after graduating with her masters in social work. In November 2013, the debtor secured full-time employment as a case manager for a non-profit agency earning $36, 500 annually.

10. The Plaintiff's eligibility for Section 8 housing assistance, SNAP, child care, Medicaid, and free/reduced school lunch ended October 2014 due to her increase in income over the income eligibility requirements.

11. In April 2015, the Plaintiff secured full-time employment as an analyst for the City of Houston's Housing Authority earning $41,489 annually.

12. When the Plaintiff's student loans went into repayment in June 2015, she applied for income based debt consolidation plan to lower her monthly payments.

13. In October 2015, the Plaintiff experienced a loss of child support income in the amount of $536 a month.

14. In December 2015, she applied for public service loan forgiveness and financial hardship deferment; and was approved; however, in order for the Plaintiff's loans to be forgiven she must make 120 payments while working for a qualifying agency.

15. In March 2016, the Plaintiff started to receive child support income again, but in amount of $477 a month; a difference of $59 from the original amount that was court ordered.

16. In June 2016 the Plaintiff's students loans went into repayment at $177 a month under the income driven repayment plan. The Plaintiff made payments on her student loans for the months of June through August.

17. On August 04, 2016, the Plaintiff was informed by her dependent child's father of his recent unemployment. On August 5, 2016, the Plaintiff voluntarily filed a petition under Chapter 7 of Title 11 of the United States Bankruptcy code seeking relief from debt. On August 11, she received her last child support payment in the amount of $109. The Plaintiff no longer receives child support at this time.

18. As of August 18, 2016, the Plaintiff's monthly income, according to schedule I, is $2454.04 and her expenses, according to schedule J, are $3145.68 ($177 for student loans) for a net income of -$691.64.

19. According to the Economic Policy of Institute (2015), a 1 parent and 1 child household needs an annual income of $45,324[1] to make a living wage. After payroll deductions, the Plaintiff's annual income is $29,448.

20. In September, the Plaintiff requested a financial hardship deferment on her student loans for the 4th time.

21. The Plaintiff has decreased entertainment, internet, shelter, food, utility, phone, and insurance expenses in efforts to increase income to sustain a living, but the debtor's child education and transportation expenses continue to raise. She also continues to search for employment opportunities to increase income; however, her opportunities are limited by the lack of skills in other industries outside of social services.
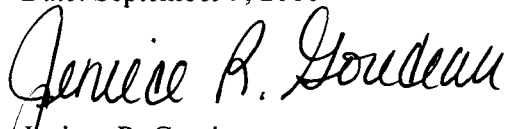
Section III: Claim for Relief

22. The Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 21 of this Complaint as if fully set forth herein.

23. As a result, in reference to the *United States Department of Education vs. Gerhardt (In re Gerhardt)*, 348 F.3d 89 (5th Cir. 2003) under 11 U.S.C. § 523(a)(8) these students loans are dischargeable because they will impose an undue hardship.

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[1] Economic Policy Institute, August 2015.

Section IV: Request for Relief

24. Plaintiff is requesting total student loan debt from the University of Houston and U.S. Department of

Education discharged.

Date: September 9, 2016

Jeniece R. Goudeau

Jeniece R. Goudeau

Plaintiff